

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALBERTO GARCIA and ARMANDO MORALES
HERNANDEZ,

Plaintiffs,

- against -

CHIRPING CHICKEN NYC INC. and/or
CHIRPING CHICKEN U.S.A. INC. d/b/a
CHIRPING CHICKEN and RAMJI DASS
individually,

Defendants

Docket No.: 15-CV-2335

**DECLARATION OF ARMANDO
MORALES HERNANDEZ**

Armando Morales Hernandez, hereby declares under penalties of perjury that:

1. I worked for Defendants Chirping Chicken NYC Inc. ("Chirping Chicken NYC"), Chirping Chicken U.S.A. Inc. ("Chirping Chicken U.S.A.") (collectively "Chirping Chicken") and Ramji Daa (collectively "Defendants") from approximately May 2008 through June 2015 at their restaurant located at 3015 Broadway, Astoria, NY 11106.
2. When I started working for Chirping Chicken, it was Ramji Dass who hired me and told me how much I was going to be paid.
3. At the time that I worked for Chirping Chicken, I believe Ramji Dass owned Chirping Chicken.
4. While working for Chirping Chicken, and at the direction of Ramji Dass, I performed various tasks, including, but not limited to cooking, cleaning and cashier duties.
5. Chirping Chicken is a restaurant that served a variety of American, Mexican and Greek food.
6. I would use Hellmann's Mayonnaise while cooking.
7. I would use Clorox products while cleaning.

8. Chirping Chicken had 10 tables in the restaurant. Chirping Chicken would earn approximately \$2,500.00 per day on weekends (Friday, Saturday, and Sunday), and \$2,000.00 per day on weekdays. I know this because I would often times be required to act as the restaurant cashier and the cash register stated the total sales for each single day.

9. I typically worked six days each week from 10:30 a.m. until 11:00 p.m., with a thirty minute lunch break, for a total of 72 hours per week.

10. From May 2008 through April 2011, I was paid a flat wage of approximately \$600 per week. From May 2011 through in or around May 2013, I was paid a flat wage of approximately \$620 per week. From in or around June 2013 through June 2015, I was paid a flat wage of \$650.00 per week.

11. I was paid in cash and did not receive any paystubs that broke down the hours that I worked. In fact, Chirping Chicken and Ramji Dass did not even record the hours that I worked.

12. I regularly worked more than 40 hours each week without receiving wages at a rate of one-and-one-half times his regular hourly wage.

13. I regularly worked more than 10 hours a day without receiving an additional hours pay at minimum wage rate.

14. Defendants Chirping Chicken NYC and Chirping Chicken U.S.A. are the same company but with different names.

15. Chirping Chicken NYC and Chirping Chicken U.S.A. maintain the same address, owners, management, personnel, equipment, and still serve American style food.

16. This declaration has been translated into Spanish to me.

este documento me fue traducido al español Por ines Cruz
x lo q Comprendido

Dated: New York, New York
August 28, 2015


ARMANDO MORALES HERNANDEZ